

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENWOOD DIVISION

Sarah Moseley,

Plaintiff,

vs.

Wal-Mart Stores, Inc., d/b/a Store #6887,

Defendant.

Civil Action No.: _____

**DEFENDANT'S
NOTICE OF REMOVAL**

Defendant files this Notice of Removal of the above-titled action from the Circuit Court of Greenwood County, South Carolina, to the United States District Court for the District of South Carolina, Greenwood Division, pursuant to 28 U.S.C. § 1441 and, in support thereof, would show as follows:

1. The above-titled action was instituted by the Plaintiff against the Defendant by the filing of a Summons and Complaint on March 28, 2022. Defendant was served by certified mail to its registered agent, CT Corporation, on April 8, 2022.

2. The action is currently pending in the Court of Common Pleas for Greenwood County, South Carolina, Case No. 2022-CP-24-00284. No further proceedings have been filed and the Summons and Complaint constitute all process, pleadings and orders served in this action. Pursuant to 28 U.S.C. § 1446(a), a copy of the Summons and Complaint is filed herewith.

3. There is jurisdiction over this removed action pursuant to 28 U.S.C. § 1441 because this action could have originally been filed in this court pursuant to 28 U.S.C. § 1332. Specifically, this suit is removable because, as set forth more fully below, there is complete diversity of citizenship between the Plaintiff and Defendant Wal-Mart Stores, Inc., d/b/a Store

#6887. Based upon Plaintiff's alleged physical injuries, as well as other claimed injuries and damages, including punitive damages, the amount in controversy exceeds \$75,000.00, exclusive of interests and costs.

4. At the time of commencement of the action, Plaintiff was and still is a citizen of South Carolina and Defendant Walmart Inc. (formerly Wal-Mart Stores, Inc.) was at the time of the commencement of the action, and still is, a corporation organized and existing under the laws of a state other than South Carolina and having its principal places of business in a state other than South Carolina. Specifically, pursuant to 28 U.S.C. § 1332(c)(1), Walmart Inc. (formerly Wal-Mart Stores, Inc.) is a citizen of both Delaware and Arkansas, as it is a Delaware corporation with its principal place of business in Arkansas. Based upon the foregoing, there is complete diversity of citizenship between Plaintiff, a South Carolina resident, and Defendant, a foreign corporation, as required by 28 U.S.C. § 1332.

5. Plaintiff's Complaint arises out of an April 8, 2019, incident in which she was exiting the subject Walmart store when the wind blew a rack of plants into her, striking and knocking her down, causing her injury. *See* Complaint, ¶ 3. Plaintiff contends that she sustained injuries and damages as a result of the incident, including medical expenses, pain, and suffering, among other things, and that she is entitled to actual and punitive damages. *Id.* at ¶¶ 3, 4, 7, and prayer for relief.

6. Upon information and belief, based upon Plaintiff's claimed damages and the undersigned's communications with Plaintiff's attorney prior to the filing hereof, the amount in controversy in this matter exceeds the sum of Seventy-Five Thousand and No/100 (\$75,000.00) Dollars, exclusive of interest and costs and said action is one over which the District Court of the United States has original jurisdiction under 28 U.S.C. § 1332.

7. Defendant hereby gives counsel for Plaintiff written notice of the removal of this action and will provide a copy of this Notice of Removal to the Clerk of Court for Greenwood County, as required by 28 U.S.C. § 1446(d).

8. Defendant files this Notice of Removal within thirty (30) days of the receipt of Plaintiff's Complaint in the state court action, which was the first pleading received by Defendant setting forth the claims for relief upon which this action is based.

WHEREFORE, Defendant respectfully submits this Notice of Removal of the state court action to this Court this 9th day of May, 2022.

s/ Lee Ellen Bagley

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